

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:05CV251-1-MU**

KENNETH PATTON, )  
                        )  
                        )  
                        Plaintiff, )  
Vs.                    )  
                        )  
THOMAS LANCASTER, et al., )  
                        )  
                        )  
                        Defendants. )

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**ORDER**

**THIS MATTER** comes before the Court upon its own motion.

On July 5, 2005, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983 against six defendants. On July 28, 2005, this Court dismissed two of the defendants and ordered the Clerk to issue summons and deliver it to the U.S. Marshal for service of process without additional cost on the remaining defendants. On October 20, 2005, Defendant Mays filed a Motion to Quash Service asserting that he was not effectively served. This Court granted Defendant Mays' motion and re-ordered service on him. It has come to the Court's attention that a current address is needed for serving Defendant Mays.

**IT IS, THEREFORE, ORDERED** that:

1. Within sixty days of the filing date of this Order the United States Marshals Service is ordered to make a reasonable investigative effort to locate and serve Defendant Mays; and
2. If the United States Marshals Service is unable to locate and serve Defendant Mays within sixty days of the filing date of this Order, the United States Marshals Service

is ordered to report back to the Court the efforts made to locate this Defendant and why those efforts were unsuccessful.

Signed: April 10, 2006



Graham C. Mullen  
United States District Judge

